REMARKS/ARGUMENTS

The Office Action dated November 15, 2004, and the references cited therein have been received and carefully reviewed.

As an initial matter, Applicants' representatives would like to thank the Examiner for an early indication of allowable subject matter in claims 14, 21 and 26.

As a result of the Office Action, claims 7, 23, 24, and 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Moreover, claims 1-7 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,186,126 to Tarekado. And claims 1-5, 12, 15, 16, 18, 19, 22-24, 27, 29, and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. 5,988,131 to Hernandez. These references have been carefully reviewed but are not believed to show or suggest Applicants' invention as now claimed. Reconsideration and allowance of the pending claims is therefore respectfully requested in view of the following remarks.

By the above amendment, claims 14 and 21 have been rewritten in independent form, claim 24 has been amended to depend from claim 22, and claims 23 and 27 have been canceled without prejudice or disclaimer. Therefore, the Section 112, second paragraph, rejections are rendered moot, and claims 14, 21, 24, and 26 are believed to be allowable.

Claim 1 has been amended to include the limitations of claims 4, 5, 6, and 7, and to further include "at least one resilient seal member for radially effecting sealing between the first connection end portion and the second connection end portion." No new matter has been added. Claims 4-7, 12, 18, 19, and 29 have been canceled without prejudice or disclaimer.

MPEP 2131 states that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. According to the amended claim 1, the engaging protrusion and the engaging recess engage with each other in a snap-fit manner utilizing resilient deformation and restoration toward the original configuration of the resiliently deformable portion. In particular, the resiliently deformable portion resiliently deforms in the radial direction of the first connection end portion or the second connection end portion.

Because the resiliently deformable portion deforms in the radial direction, it is not necessary for the resiliently deformable portion to extend radially outward from the first connection end portion or the second connection end portion. As a result, the size of the first connection end portion or the second connection end portion having the resiliently deformable portion can be minimized with respect to the radial direction. In addition, the construction of the intake device can be simplified, and therefore, the operation for mounting the intake device to an engaine can be easily performed. In particular, it is possible to easily mount the intake device within an engine room having a limited space.

The Examiner has taken a position that Tarekado, as seen in FIG. 8, "shows a throttle body 26 having a protrusion (hub 26a) protruding into an engagement recess (unnumbered) on the intake duct 35." However, Applicants respectfully assert that this engagement is not performed in a snap fit manner. As best seen in FIG. 7, the hub 26a may be forcibly inserted into the intake duct 35 so that the intake duct 35 resiliently deforms to enlarge its diameter. In order to maintain the fitted state, it is necessary to use a band or ring (unnumbered) shown in FIG. 7.

Referring now the to the Hernandez reference, Hernandez teaches a snap fit joined constituted by lugs 54 formed on a flange 46 disposed on the side of the throttle body and cutouts 56 and ramps 58 formed on a flange 48 on the side of the manifold (see FIGS. 11 and 12). In addition, Hernandez teaches a lock mechanism constituted by a loop hook 76 and a pair of retention surfaces 84 (see FIGS. 7 to 10). However, Hernandez does not teach or suggest the resiliently deformable portion that resiliently deforms in the radial direction of the first connection end portion and the second connection end portion. The snap fit engagement of Hernandez is achieved by the resilient deformation of the lugs 54 in the axial direction of the throttle body housing 26. Therefore, the flanges 46 and 48 are necessary to be formed to extend radially outward from the throttle body housing 26 and the intake manifold 24. As a result of the radially extending flanges 46, 48, the intake device of Hernandez is large in size in the radial direction. Therefore, it is difficult to mount an engine within a limited space of an engine room. In view of the foregoing, it is respectfully submitted that claim 1 is patent over the prior art of record.

Claims 2, 3, 15, 16, and 32 are dependent from claim 1 and are therefore allowable for the reasons provided in connection with claim 1.

The prior art references made of record by the Examiner have each been considered but are not believed to obviate against the allowability of the claims as amended. It is noted that none of these references has been specifically applied by the Examiner against any of the original claims.

Each issue raised in the Office Action dated November 15, 2004, has been addressed and it is believed that claims 1-3, 14-16, 21, 22, 24, 26, and 32 are in condition for allowance. Wherefore, Applicants respectfully request a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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